

ESTTA Tracking number: **ESTTA302010**

Filing date: **08/20/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051268
Party	Plaintiff Carchalk, Inc.
Correspondence Address	Alicia Morris Groos Fulbright & Jaworski LLP 600 Congress Avenue, Suite 2400 Austin, TX 78701 UNITED STATES aotrademark@fulbright.com, cbenson@fulbright.com, agroos@fulbright.com, kpfertner@fulbright.com
Submission	Other Motions/Papers
Filer's Name	Alicia Morris Groos
Filer's e-mail	aotrademark@fulbright.com, cbenson@fulbright.com, agroos@fulbright.com, kpfertner@fulbright.com
Signature	/Alicia Morris Groos/
Date	08/20/2009
Attachments	Notice of Return of Service Copy of Petition to Cancel.pdf ( 4 pages )(73064 bytes )

In the Matter of Registration No.: 2,865,895  
Owned by BLUEPATH INDUSTRIES, LTD. for the Mark: WINDOW CHALK  
Registered: July 27, 2004

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4) On July 23, 2009, the same day the Petition to Cancel was filed, Petitioner also mailed a copy of the Petition to Cancel to Registrant directly at Registrant's address of record, namely, Bluepath Industries Ltd., 15022 - 116 Avenue, Edmonton, Alberta, T5M 3T4 Canada.

5) After the service copy of the Petition to Cancel was returned, Petitioner's attorney attempted to locate a current address for Registrant's Domestic Representative using various resources but was unable to find one.

6) Petitioner's attorney called the telephone phone number associated with Philip T. Golden at both Golden & Associates and Golden & Rhodes. This phone number was not in service.

7) The email address [philip@golden-associates.com](mailto:philip@golden-associates.com) is listed in PTO records for multiple trademark applications where Mr. Phillip T. Golden is attorney of record. On August 14, 2009, Petitioner forwarded a copy of the Petition to Cancel to Mr. Golden. Mr. Golden responded to Petitioner's email on August 15, 2009, requesting Petitioner contact attorney for Registrant, Bruce Geiger, of Miller Thomson at 2700 Commerce Place, 10155-102 Street, Edmonton, AB, Canada T5J 4G8.

8) Mr. Bruce Geiger contacted Petitioner's counsel via email on August 15, 2009. Mr. Geiger confirmed that he received of the copy of the Petition to Cancel and that he would contact Registrant.

No filing fees are believed due with this correspondence. In the event additional fees are required in connection with this Application, please charge all necessary fees to Deposit Account No. 50-1212, Reference 10908176/DANJ:019/CRB. The Interlocutory Attorney is requested to contact the undersigned by telephone at (512) 536-3091 if a telephone conference might be of assistance.

Respectfully submitted,

Dated: 8/20/09

By: Alicia Morris Groos

Christopher R. Benson

Alicia Morris Groos

FULBRIGHT & JAWORSKI L.L.P.

600 Congress Avenue, Suite 2400

Austin, Texas 78701

(512) 474-5201

ATTORNEYS FOR PETITIONER

by  
Kecil  
V  
Pfeiffer

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the NOTICE OF RETURN OF SERVICE COPY OF PETITION TO CANCEL has been served via First Class Mail to Registrant's attorney at the address below, on this the 19<sup>th</sup> day of August, 2009:

Bruce Geiger  
MILLER THOMSON llp  
2700, 10155 - 102 Street  
Edmonton, Alberta T5J 4G8

With a copy via email to:

Mr. Philip T. Golden  
philip@golden-associates.com

A handwritten signature in black ink, appearing to read "Philip T. Golden", is written over a horizontal line.